

REMARKS

This application pertains to a novel pressure-sensitive adhesive which is redetachable by stretching and which has an improved bond to hydrophilic surfaces. The novel redetachable pressure-sensitive adhesive comprises at least one water soluble polymer.

Claims 1-7 are pending.

Claims 1-7 stand rejected under 35 U.S.C. 103(a) as obvious over Lühmann (US 5,897,949) in view of Horiki et al. (US 4,868,045).

In concise terms, the Horiki reference adds a water-soluble polymer to an emulsion-type adhesive used on a masking tape. Horiki makes this addition because the water-soluble polymer may increase the cohesive force of the adhesive and at the same time give the adhesive a releasing property (col. 1, lines 63-65).

Those skilled in the art, as well as those unskilled in the art, know that masking tapes are intended to have relatively low adhesive strength, so that they may be easily pulled off of a substrate; i.e., they are "temporary coverings".

Lühmann, on the other hand, teaches an adhesive tape which has a powerful bond to a substrate, but which bond can be broken by stretching the tape (col. 1, lines 6-12; col. 2, lines 28-29, lines 33-34). Clearly, the incorporation of "releasing property"

to Lühmann's tape would be detrimental to the high bond strength that is intended for his tapes. Lühmann's tapes adhere strongly to substrates, and yet are removable without residue by stretching in the bond plane. There is therefore no reason to consider adding something that may increase the cohesive force (the cohesion is already so high that the tape can be removed without leaving any residue behind), and the addition of anything that would impart release properties would be avoided by those skilled in the art because they would not want to decrease the bond strength, which is intended to be high (until broken by stretching). Therefore, no person skilled in the art would ever consider adding Horiki's water soluble polymer to Lühmann's tape.

The Examiner contends that those skilled in the art would be motivated to add Horiki's water soluble polymer to Lühmann's tape "...to improve the weatherability of the adhesive and prevent the deterioration of the stickiness of the adhesive". There is, however, absolutely nothing in Horiki that would teach or suggest that a water soluble polymer would improve weatherability or prevent deterioration of stickiness. It is not seen where the Examiner finds any such representation by Horiki. All Horiki says about this is that his water soluble polymer does not cause the weatherability to deteriorate, and does not cause the stickiness to deteriorate (col. 1, lines 1-2). The absence of a negative does not mean the presence of a positive !

There is absolutely no support for the Examiner's reading of Horiki as teaching that a water soluble polymer can improve weatherability or prevent deterioration. All Horiki says is that his water soluble polymer is not itself harmful to such properties; in other words, that it has no effect on weatherability or stickiness.

There is absolutely no reason why any person would want to add Horiki's water soluble polymer to Lühmann's adhesive.

The rejection of claims 1-7 under 35 U.S.C. 103(a) as obvious over Lühmann (US 5,897,949) in view of Horiki et al. (US 4,868,045) should therefore now be withdrawn.

Regarding the double patenting rejection over claims 1-7 of USSN 10/739,705, the Examiner will note that the PTO records indicate that said reference went abandoned and that a Notice of Abandonment was mailed on March 27, 2006. A copy of that Notice of Abandonment is attached.

The provisional rejection of claims 1-7 under 35 U.S.C. 101 as claiming the same invention as Application Serial No. 10/739,705 should therefore now be withdrawn.

In view of the present remarks it is believed that claims 1-7 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

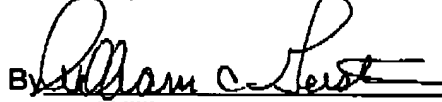
If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account

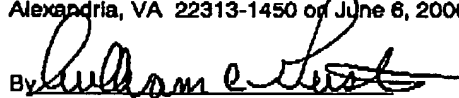
No. 14-1263.

Respectfully submitted,
NORRIS, McLAUGHLIN & MARCUS, P.A.

By 
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I hereby certify that this correspondence is being transmitted via facsimile, no. 571-273-8300 to the United States Patent and Trademark Office, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 6, 2006.

By 
William C. Gerstenzang
Date June 6, 2006

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Notice of Abandonment	Application No.	Applicant(s)	
	10/739,705	JUNGHANS ET AL.	
	Examiner	Art Unit	
	Anish Desai	1771	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 16 September 2005.
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☒ The reason(s) below:

 During a phone conversation with the applicant's attorney Mr. William Gerstenzang on 03/17/06, it was determined that no reply was mailed in response to the Office action dated 09/16/05.

HAI VO
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.